

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:22-cv-00044-M

AMY LOHRENZ, MAJOR MICHAEL  
LOHRENZ, MGL, MML, MML, and MML,

Plaintiffs,

v.

BRAGG COMMUNITIES, LLC, CORVIAS  
MANAGEMENT-ARMY, LLC, and CORVIAS  
MILITARY LIVING, LLC,

Defendants.


ORDER

This matter comes before the court on Defendants' motion to dismiss [DE 28]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert T. Numbers, II entered a memorandum and recommendation ("M&R") [DE 53], recommending that the court grant in part and deny in part Defendant's motion. To date, no objections have been filed.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendants' motion to dismiss [DE 28] is GRANTED IN PART and DENIED IN PART. Plaintiffs are DIRECTED to file the second amended complaint attached to its motion and denominated as Exhibit 1 after omitting the word "proposed" from its title [DE 45-1].

SO ORDERED this 19<sup>th</sup> day of April, 2023.



RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE